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14

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,747	04/25/2001	Louis Bouchard	AVALUC-01800	7367
28960	7590	07/22/2004	EXAMINER	
HAVERSTOCK & OWENS LLP 162 NORTH WOLFE ROAD SUNNYVALE, CA 94086			PHILLIPS, HASSAN A	
			ART UNIT	PAPER NUMBER
			2151	

DATE MAILED: 07/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/842,747	BOUCHARD, LOUIS	
	Examiner	Art Unit	
	Hassan Phillips	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 01 June 2004.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-24 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-24 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 25 April 2001 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/1/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The Information Disclosure Statements (IDS), filed November 4, 2002, March 4, 2003, August 25, 2003, and June 1, 2004, have all been received and considered by the Examiner.

Specification

1. The spacing of the lines of the specification is such as to make reading and entry of amendments difficult. New application papers with lines double spaced on good quality paper are required.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

2. Claims 5, 10-13, 17, 24, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claim 5 recites the limitation "the command" in lines 1 and 2. There is insufficient antecedent basis for this limitation in the claim. In order for the Examiner to

advance prosecution of the application for patent the Examiner has interpreted "the command" to be "a command".

4. Claim 10 recites the limitations "the new message notification" and "the updated content list", in lines 1 and 2. There is insufficient antecedent basis for these limitations in the claim. In order for the Examiner to advance prosecution of the application for patent the Examiner has interpreted "the new message notification" to be "a new message notification", and "the updated content list" to be "an updated content list".

5. Claim 11 recites the limitations "the user" and "the updated mailbox content list", in lines 1 and 2. There is insufficient antecedent basis for these limitations in the claim. In order for the Examiner to advance prosecution of the application for patent the Examiner has interpreted "the user" to be "a user", and "the updated mailbox content list" to be "an updated mailbox content list".

6. Claim 12 recites the limitation "the user" in line 1. There is insufficient antecedent basis for this limitation in the claim. In order for the Examiner to advance prosecution of the application for patent the Examiner has interpreted "the user" to be "a user".

7. Claim 13 recites the limitation "the user" in lines 1 and 2. There is insufficient antecedent basis for this limitation in the claim. In order for the Examiner to advance prosecution of the application for patent the Examiner has interpreted "the user" to be "a user".

8. Claim 17 recites the limitations "the user" and "the command", in lines 1 and 2. There is insufficient antecedent basis for these limitations in the claim. In order for the Examiner to advance prosecution of the application for patent the Examiner has interpreted "the user" to be "a user", and "the command" to be "a command".

9. Claim 24 recites the limitation "the command" in lines 1 and 2. There is insufficient antecedent basis for this limitation in the claim. In order for the Examiner to advance prosecution of the application for patent the Examiner has interpreted "the command" to be "a command".

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 7, 12, 13, are rejected under 35 U.S.C. 102(e) as being anticipated by Cloutier et al. (hereinafter Cloutier), U.S. Patent 6,535, 586 (supplied by Applicant).

3. In considering claim 7, Cloutier teaches a system for providing access to a message in one or more of a voice, a fax, e-mail and a unified mailbox through a wireless network comprising:

- a) A wireless device, a server, and a wireless network linking the wireless device with the server, (col. 2, lines 30-45).

4. In considering claim 12, Cloutier further teaches a user selecting a message by issuing a command to the server. See col. 6, lines 50-54.

5. In considering claim 13, Cloutier further teaches the server delivering the message selected by the user and the message being played for the user by the wireless device. See col. 6, lines 54-61.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 4-6, 9-11, 14, 16-20, 22-24, are rejected under 35 U.S.C. 103(a) as being unpatentable over Cloutier, in view of Stein et al (hereinafter Stein), U.S. Patent 6,289,212 (supplied by Applicant).

3. In considering claims 1, 14, and 19, Cloutier teaches a method and system for utilizing a push model to provide access to messages in one or more of a voice, a fax, an e-mail and a unified mailbox through a wireless network, the method comprising the steps of:

- a) Automatically receiving a message alert from a server through a wireless network and viewing the alert on a wireless device, (col. 2, lines 30-41);
- b) Forming a communication link through the wireless network thereby linking the wireless device and the server for receiving a message, and providing the message to the user, (col. 2, lines 41-45).

Although the method of Cloutier shows substantial features of the claimed invention, it fails to explicitly disclose:

- c) The message alert being a mailbox content list.

Nevertheless, in a similar field of endeavor, Stein teaches a method for providing electronic mail services during network unavailability comprising:

- c) Receiving a mailbox content list from a server and scrolling through the mailbox content list with a wireless device, (col. 3, lines 8-39).

Thus given the teachings of Stein, it would have been obvious to one of ordinary skill in the art to modify the teachings of Cloutier to show the message alert being a mailbox content list that a user could scroll through on a wireless device. This would have provided the user the flexibility to select which message the user desired to receive, in the case that multiple messages were available for the user on the server, Stein, col. 3, lines 24-32.

4. In considering claims 2, and 20, Cloutier teaches a new message notification. See col. 2, lines 30-41.
5. In considering claims 4, 16, and 22, Cloutier teaches viewing the alert without accessing the wireless network. See col. 2, lines 30-41.
6. In considering claims 5, 17, and 23, Cloutier further teaches the user issuing a command using the wireless device. See col. 6, lines 50-54.
7. In considering claims 6, 18, and 24, Cloutier further teaches the server playing the message according to a command given by the user. See col. 6, lines 54-61.
8. In considering claim 9, Cloutier teaches:

- a) A new message notification being sent over the wireless network from the server to the wireless device, (col. 2, lines 30-45).

Although the method of Cloutier shows substantial features of the claimed invention, it fails to explicitly disclose:

- b) Sending a mailbox content list.

Nevertheless, in a similar field of endeavor, Stein teaches a method for providing electronic mail services during network unavailability comprising:

- b) Sending a mailbox content list from a server to a wireless device, (col. 3, lines 8-23).

Thus given the teachings of Stein, it would have been obvious to one of ordinary skill in the art to modify the teachings of Cloutier to show sending a new message notification and an updated mailbox content list over the wireless network from the server to the wireless device. This would have provided the user the flexibility to select which message the user desired to receive, in the case that multiple messages were available for the user on the server along with the new message, Stein, col. 3, lines 24-32.

9. In considering claim 10, the system of Cloutier provides a means for viewing a new message notification and an updated content list by a user with the wireless device. See col. 2, lines 30-41.

10. In considering claim 11, although the system of Cloutier shows substantial features of the claimed invention, it fails to explicitly disclose:

- a) Scrolling through a mailbox content list.

Nevertheless, in a similar field of endeavor, Stein teaches a method for providing electronic mail services during network unavailability comprising:

- a) Scrolling through a mailbox content list with a wireless device, (col. 3, lines 24-39).

Thus given the teachings of Stein, it would have been obvious to one of ordinary skill in the art to modify the teachings of Cloutier to show scrolling through an updated mailbox content list with the wireless device. This would have provided the user the flexibility to select which message the user desired to receive, in the case that multiple messages were available for the user on the server along with the new message, Stein, col. 3, lines 24-32.

11. Claims 3, 15, 21, are rejected under 35 U.S.C. 103(a) as being unpatentable over Cloutier, in view of Stein, and further in view of the Applicants Admitted Prior Art (AAPA).

12. In considering claims 3, 15, and 21, although the combined methods of Cloutier and Stein show substantial features of the claimed invention, they fail to expressly disclose the wireless network having a low data-bandwidth, and a high-data latency.

Nevertheless, it was well known in the art at the time of the present invention for wireless networks to have a low data-bandwidth, and a high-data latency. This was admitted by the applicant in the specification on page 1, line 33, and page 2, lines 1-5.

Thus given the teachings of the AAPA it would have been obvious to one of ordinary skill in the art to modify the teachings of Cloutier and Stein to show the wireless network having a low data-bandwidth, and a high-data latency. This would have shown that the methods of Cloutier and Stein work in networks that were well known at the time of the present invention such as wireless networks with low data-bandwidth, and high-data latency.

13. Claim 8, is rejected under 35 U.S.C. 103(a) as being unpatentable over Cloutier, in view of the Applicants Admitted Prior Art (AAPA).

14. In considering claim 8, although the system of Cloutier shows substantial features of the claimed invention, it fails to expressly disclose the wireless network having a low data-bandwidth, and a high-data latency.

Nevertheless, it was well known in the art at the time of the present invention for wireless networks to have a low data-bandwidth, and a high-data latency. This was admitted by the applicant in the specification on page 1, line 33, and page 2, lines 1-5.

Thus given the teachings of the AAPA it would have been obvious to one of ordinary skill in the art to modify the teachings of Cloutier to show the wireless network having a low data-bandwidth, and a high-data latency. This would have shown that the

system of Cloutier works in networks that were well known at the time of the present invention such as wireless networks with low data-bandwidth, and high-data latency.

Conclusion

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Cloutier et al., U.S. Patent 6,535,86 (supplied by Applicant), discloses a method and system for pushing a remote notification for the retrieval of an electronically stored message.

Stein et al., U.S. Patent 6,289,212 (supplied by Applicant), discloses a method and apparatus for scrolling through, and selecting electronic mail when a network is unavailable.

Parsons et al., U.S. Patent publication 2002/0087643, discloses a method and system for notifying a remote Wireless Access Protocol (WAP) user of received information in a server.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hassan Phillips whose telephone number is (703) 305-8760. The examiner can normally be reached on M-F 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703) 305-4792. The fax phone

Art Unit: 2151

number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HP/
7/9/04



ZARNI MAUNG
PRIMARY EXAMINER